

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-38 are pending. Claims 1, 6, 11, 23 and 35 are independent claims. Claims 1, 5, 6, 11, 13, 14, 23, and 35 are hereby amended. Support for this amendment is provided throughout the Specification as originally filed and specifically at page 30. No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-38 were rejected under 35 U.S.C. § 103 as allegedly unpatentable over U.S. Patent No. 6,829,592 to Hasebe, et al. (hereinafter “Hasebe”) in view of U.S. Patent No. 7,315,829 to Tagawa, et al. (hereinafter “Tagawa”).

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...wherein the information processing apparatus deletes the received copyrighted information contents in accordance with the utilization condition information when a lease period is expired and allows continued utilization of copyrighted information contents when a lease period is not expired.” (Emphasis added)

Generally, claim 1 relates to a system where copyrighted information received by a user is deleted upon the instruction of embedded utilization condition information. However, when the utilization condition information indicates that the lease period is not expired, the copyrighted information is still utilized.

Applicant notes that the Office Action concedes that Hasebe fails to teach or suggest the above-identified feature of claim 1, and instead relies on Tagawa for disclosure of this feature.

The Office Action cites only that Tagawa discloses EEPROM, in column 6, lines 4-10, of Tagawa. Applicant respectfully submits that disclosure of EEPROM as an example of memory does not render claim 1 unpatentable. Indeed, claim 1 recites that copyrighted information received by a user is deleted upon the instruction of embedded utilization condition information, which is not taught or suggested by the mere disclosure of EEPROM as described in Tagawa.

Applicant submits that Tagawa discloses a system where attribute information is embedded in audio information and where a user wishes to transfer the audio information, the system extracts charge information from the attribute information and presents the charge (cost) to the user.

Applicant submits that such disclosure does not render claim 1 unpatentable. The **system in Tagawa does not delete files received by the user in accordance with utilization information**, as recited in claim 1.

Therefore, Applicant respectfully submits that claim 1 is patentable.

Independent claims 6, 11, 23 and 35 are similar, or somewhat similar, in scope and are therefore patentable for similar, or somewhat similar, reasons.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicant respectfully submits that all of the claims are in condition for allowance and requests early passage to issue of the present application.

Respectfully submitted,

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